



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AMENDMENTS TO RULES CONCERNING INCORPORATION BY REFERENCE OF CROSS CONTROL DOCUMENTS AND RELATED TECHNICAL CHANGES

LSA Document #10-414

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*Mitchell E. Daniels, Jr.*

**Governor**

*Thomas W. Easterly*

**Commissioner**

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### Description

Amends 327 IAC 8-10 (1) incorporate by reference the "Manual of Cross Connection Control", Tenth edition, published October, 2009, from the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California, (2) incorporate by reference the February 7, 2012, "List of Approved Backflow Prevention Assemblies", by the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California (USC), and (3) make related technical corrections for clarification and accuracy.

### Citations Affected

327 IAC 8-10.

### Affected Persons

Customers (both public and commercial) that use backflow devices and inspectors performing backflow testing in cross connection control technology.

### Reason(s) for the Rule

The reason for this rulemaking is to incorporate by reference the most recent documents already in use by the University of Southern California which are used for backflow testing in Indiana. These documents contain the guidelines set by the University of Southern California to ensure that the cross connection control devices operate properly and ultimately protect the drinking water supply in Indiana.

### Economic Impact of the Rule

The potential fiscal impact of this rule is negligible since this rule is already in existence and is merely updating references to documents which are used for backflow testing in Indiana. This rule also serves to clarify the requirements and, therefore, will result in better compliance from the regulated community. By requiring testing only once a year there will be a cost savings to the regulated community, both public and commercial, that use backflow devices.

### Benefits of the Rule

This rule incorporates by reference of the most recent documents in use by the University of California for backflow testing in Indiana and updates references in Indiana rules. This rule serves to clarify the requirements and, therefore, will result in better compliance from the regulated community. By requiring testing only once a year, the rule will affect a cost savings to the regulated community, both public and commercial, who use back flow devices.

### Description of the Rulemaking Project

Incorporate by reference the "Manual of Cross Connection Control", Tenth edition, published October, 2009, from the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California, (2) to incorporate by reference the February 7, 2012, "List of Approved Backflow Prevention Assemblies", by the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California, and (3) to make related corrections for clarification and accuracy within the rulemaking.



## **Public Notices**

Findings and Determination of the Commissioner pursuant to IC 13-14-9-7 and Second Notice of Comment Period: July 7, 2010, Indiana Register (DIN: 20100707-IR-327100414FDA).

Notice of Public Hearing: July 7, 2010, Indiana Register (DIN: 20100707-IR-100414PHA).

Change in Notice of Public Hearing: October 27, 2010, Indiana Register (DIN: 20101027-IR-327100414CHA).

Change in Notice of Public Hearing: December 1, 2010, Indiana Register (DIN: 20101201-IR-327100414CHA).

Change in Notice of Public Hearing: August 10, 2011, Indiana Register (DIN: 20110810-IR-327100414CHA).

Proposed Rule: November 16, 2011, Indiana Register (DIN: 20111116IR327100414PRA).

Change in Notice of Public Hearing: January 18, 2012, Indiana Register (DIN: 20120118-IR-327100414CHA).

## **Scheduled Hearings**

First Public Hearing: September 14, 2011.

Second Public Hearing: March 14, 2012.

## **Consideration of Factors Outlined in Indiana Code 13-14-8-4**

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
  - (A) human, plant animal, or aquatic life; or
  - (B) the reasonable enjoyment of life and property.

## **Consistency with Federal Requirements**

The amended rule is consistent with federal requirements.

## **Rulemaking Process**

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Water Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with Legislative Services.

## **Additional Information**

Additional information regarding this action may be obtained from Kiran Verma, Rules Development Branch, Office of Legal Counsel, (317) 232-8899 or (800) 451-6027 (in Indiana). Technical information about this action may be obtained from Rick Miranda, Drinking Water Branch, (317) 234-7443 or (800) 451-6027 (in Indiana).